

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-09-775 SBA
)	
Plaintiff,)	ORDER RE REQUEST TO CONTINUE
)	CHANGE OF PLEA AND SENTENCING
v.)	AND TO EXCLUDE TIME UNDER THE
)	SPEEDY TRIAL ACT
JUAN LOPEZ)	
)	
Defendant.)	
)	
)	

The above-captioned matter is currently set for change of plea and sentencing on May 7, 2013. The parties have requested that the Court continue that hearing to June 11, 2013 at 10:00 a.m. and that the Court continue to exclude time under the Speedy Trial Act until June 11, 2013. The parties jointly request a continuance of the change of plea because defense counsel is unavailable that day. Counsel is currently in trial in a homicide in state court in People v. Johnson, Alameda Superior Court No. H52787. The trial schedule is Mondays through Thursdays. After conferring, the first available date for both counsel is June 11, 2013.

The parties agree that the extension is not sought for delay. The parties further agree the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial. The parties also agree that the court should exclude time for the consideration of the proposed plea agreement.

STIP. REQ. AND [PROPOSED] ORDER TO CONTINUE
CHANGE OF PLEA HEARING AND TO EXCLUDE TIME
No. CR-09-00775 SBA

1 Therefore, the parties further stipulate and request that the Court exclude time between
2 the date of this stipulation and June 11, 2013, 2013 under the Speedy Trial Act for effective
3 preparation of defense counsel and pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) and (1)(G).

4 **IT IS HEREBY ORDERED** that the change of plea and sentencing in this matter is
5 continued from May 7, 2013 at 10: a.m. to June 11, 2013 at 10:00 a.m. before this Court, and
6 that time between the date of this Order and June 11, 2013 is excluded under the Speedy Trial
7 Act to allow for the effective preparation of defense counsel, and the continuity of counsel,
8 taking into account the exercise of due diligence pursuant to 18 U.S.C. §§ 3161(h)(7)(A),
9 (B)(iv), as well as the consideration of the proposed plea agreement under (h)(1)(G).

10
11 DATED: __5/3/13


HON. SAUNDRA BROWN ARMSTRONG
United States District Court Judge